

Remarks

Claims 43 through 49 and 51 through 53 stand rejected under 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Regarding claim 43, the Examiner has pointed out that the limitations of the fiber layer are inconsistent with the base claim and has suggested rewriting claim 43 in independent form. In responding to this rejection, the Applicant has removed the dependency of claim 43 thereby obviating the inconsistency. Review and acceptance is requested.

Claims 26 through 32, 35 through 49 as well as 51 through 53 stand rejected under 35 USC 103(a) as being unpatentable over Hartzell in view of Vaidya and any one of Witman, Ochi et. al., Wagner and Grimnes US patent '344.

The Examiner has introduced a new reference due to Grimnes which discloses a fabric layer disposed between the decorative layer and the thermoplastic layers. The Examiner points out that Grimnes discloses forming a structure comprising the decorative layer and the thermoplastic layers which also has a fiber layer disposed between the decorative layers and the thermoplastic layers to prevent the thermoplastic from seeping through and damaging the decorative layer. The Examiner argues that it would have been obvious to one of average skill in the art at the time the invention was made to place a fabric barrier layer between the thermoplastic and decorative layers of Hartzell, Vaidya et. al. and any one of Witman, Ochi and Wagner to prevent the thermoplastic from seeping through the decorative layers and damaging them as taught by Grimnes. The Applicant respectfully disagrees.

US '344 due to Grimnes describes (see in particular claim 1) a method for the production of fiber-reinforced thermoplastic polymer molded parts in which a layer containing reinforcing fibers is impregnated with a thermoplastic resin. A decorative layer is applied to the visible side and a "barrier layer" is disposed directly below the decorative layer to prevent heated thermoplastic resin from penetrating through that "barrier layer". The barrier layer is, indeed, made from a woven fabric of the kind claimed by the instant invention (see in particular claim 10 of '344). However, there is a fundamental difference between the invention as claimed and the additional disclosure introduced by the new Grimnes reference '344. In particular, '344 explicitly avoids any thermoplastic connection between the backside of the decorative layer and the polymer matrix. The "barrier layer" in accordance with '344 is used to completely prevent any penetration of the plastified polymer up to the decorative layer. The decorative layer is therefore not bonded by the thermoplastic to the remaining layers, rather is sewn onto the barrier and fiber layers (see in particular claim 1 of the '344, last paragraph as well as the description in column 10 lines 16 through 30). One of average skill in the art, aware of the remaining references used against independent claims 26 and 43 would not be tempted to introduce the "barrier layer" proposed by Grimnes, since that "barrier layer" would prevent bonding of the thermoplastic to the decorative layer. Therefore, the additional Grimnes teaching prevents the instant invention from functioning for its intended purpose, since the bonding of the decorative layer to the thermoplastic, as claimed in independent claims 26 and 43, would no longer be possible.

In accordance with the Invention, the thermoplastic polymer penetrates through the fabric larger to bond to but not penetrate through the

decorative layer. This limitation provides for a simpler method for fastening the decorative layer to the remaining layers while maintaining the esthetic visual properties of that decorative layer. The Invention therefore recites an element not disclosed in prior art having advantages which are not taught by that prior art and is sufficiently distinguished from conventional wisdom to satisfy the requirements of 35 USC 103. The dependent claims of record inherit the limitations of the respective base claims and are therefore similarly distinguished from the prior art of record for the reasons given. Passage to issuance is therefore respectfully requested.

No new matter has been added in this amendment.

Respectfully submitted,

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